

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PAUL AND FRANCES MIZE)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 95-471
)	
BARNESBURG WATER ASSOCIATION, INC.)	
)	
DEFENDANT)	

O R D E R

On February 21, 1996, the Commission received a Motion to Delay Hearing in this proceeding from Barnesburg Water Association, Inc. ("Barnesburg"). Barnesburg asked for the delay in order to have time to comply with the Commission's Order of February 15, 1996, regarding pressure tests. According to the motion, Barnesburg has only one pressure recording device with which to take three week-long pressure readings. As those readings were to be submitted to the Commission by March 4, 1996, Barnesburg's need for additional time, if all three readings are to be submitted prior to the March 6, 1996 hearing, is apparent.

Less apparent to the Commission is the relevancy to this proceeding of the absence of one of Barnesburg's officers. According to the motion, the fact that one officer was out of town during the early weeks of February affected Barnesburg's operations to such a degree that it received no mail and took no action in these cases during the time in which that officer was absent. While Barnesburg's counsel may not have been added to the service

list in this proceeding until January 31, 1996, Barnesburg itself has been properly served by the Commission with all Orders since this case was initiated. Furthermore, Barnesburg's counsel has been aware of this proceeding for some time as he filed an Answer to an Order of the Commission on behalf of his client on November 6, 1995.

The only relevant fact contained in Barnesburg's Motion to Delay Hearing is thus, due to the fact it only has one pressure recording device, that it needed three full weeks from the receipt of the Commission's February 15, 1996 Order to comply with that Order. Barnesburg should thus be given until March 18, 1996 to provide the Commission with a pressure recording chart showing the actual 24-hour continuously measured pressure available to the Complainants at their meter. This is an additional two weeks. The hearing should be delayed accordingly. There is nothing in the motion to support Barnesburg's request to delay the hearing until "at least March 27, 1996."

IT IS THEREFORE ORDERED that:

1. Barnesburg's Motion to Delay hearing is granted in part.
2. The hearing scheduled for March 6, 1996 is delayed until March 20, 1996, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky. This case will still be heard simultaneously with Cases No. 95-468¹ and No. 95-469.²

¹ Case No. 95-468, Mr. and Mrs. James Howard Mize, Jr. v. Barnesburg Water Association, Inc.

² Case No. 95-469, Juanita Allene Mize v. Barnesburg Water Association, Inc.

3. Barnesburg shall file the original and six copies of a pressure recording chart showing the actual 24-hour continuously measured pressure available to the Complainants at their meter for seven consecutive days with a copy to all parties of record no later than March 18, 1996. The pressure recorder is to be placed at the Complainants' meter. When the pressure recording chart is provided, identify the seven day period recorded, confirm the exact location of the pressure recorder, and identify the sea level elevation of the recorder. Barnesburg shall furnish with each response the name of the witness who will be available to respond to questions concerning the information requested at the public hearing now scheduled for March 20, 1996.

Done at Frankfort, Kentucky, this 27th day of February, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:



Executive Director